

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:

ASPEN VILLAGE AT LOST MOUNTAIN  
ASSISTED LIVING, LLC,

Debtor.

CHAPTER 11

CASE NO. 19-40262-BEM

**NOTICE OF HEARING ON SECOND INTERIM APPLICATION FOR CHAPTER 11 COMPENSATION  
OF THE ATTORNEYS REPRESENTING THE DEBTOR**

PLEASE TAKE NOTICE THAT Jones & Walden, LLC (the "Law Firm") has filed its *Second Interim Application for Chapter 11 Compensation of the Attorneys Representing the Debtor* (the "Application") in the above case. Pursuant to the Application, the Court is requested to allow and award compensation to Jones & Walden, LLC, as follows:

- (1) \$57,681.50 representing fees;
- (2) \$502.81 representing actual out-of-pocket expenses incurred on behalf of the Debtor; and
- (3) That the Debtor be authorized to pay the Law Firm the \$58,184.31 requested award.

PLEASE TAKE FURTHER NOTICE that the Court shall hold a hearing on the Application on the **19<sup>th</sup>** day of November, 2019, at 11:00 o'clock a.m. in Courtroom 1402, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. *This hearing is being set in Atlanta in a Rome division case.*

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, 600 East First Street, Rome, Georgia 30161. You must also mail a copy of your response to the undersigned at the address stated below.

This 28<sup>th</sup> day of October, 2019.

**JONES & WALDEN, LLC**

/s/ Leon S. Jones

By: Leon S. Jones

Georgia Bar No. 003980

Attorneys for Debtor

21 Eighth Street, NE, Atlanta, Georgia 30309

(404) 564-9300

[ljones@joneswalden.com](mailto:ljones@joneswalden.com)

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
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IN RE:

ASPEN VILLAGE AT LOST MOUNTAIN  
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CHAPTER 11

CASE NO. 19-40262-BEM

**SECOND INTERIM APPLICATION FOR CHAPTER 11 COMPENSATION OF  
THE ATTORNEYS REPRESENTING THE DEBTOR**

TO: THE HONORABLE BARBRA ELLIS-MONRO  
JUDGE, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

COMES NOW Jones & Walden, LLC ("Law Firm"), the attorneys for the Debtor, and files this, its "SECOND INTERIM APPLICATION FOR CHAPTER 11 COMPENSATION OF THE ATTORNEYS REPRESENTING THE DEBTOR" ("Application"), and in support thereof respectfully shows as follows:

1. The Law Firm shows that it has represented Aspen Village at Lost Mountain Assisted Living, LLC ("Debtor") in this case since February 2019.
2. The Law Firm makes its Application for the allowance of compensation for professional services rendered to the Debtor for the period of time from May 29, 2019, through October 24, 2019 ("Application Period"), pursuant to 11 U.S.C. §§ 330 and 331. All services for which compensation is requested were performed on behalf of the Debtor and not on behalf of any other party, creditor, persons or party in interest.
3. The Law Firm has had numerous conferences with the Debtor, creditors of the Debtor, and with attorneys for various creditors herein with reference to this case, and has filed numerous pleadings and attended numerous hearings and has performed many other services necessary and proper to the administration of this estate.

4. The time expended by the Law Firm and the work performed by the Law Firm, for the period for which this Application is made, is duly itemized and set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference.

5. The out-of-pocket expenses incurred by the Law Firm during the period for which this Application is made are duly itemized and set forth in Exhibit "A" which is attached hereto and incorporated by this reference. The copy costs reflected on Exhibit "A" are charged at the rate of \$0.10 per page. The facsimile costs are charged at the rate of \$1.00 per outgoing page. Out-of-pocket expenses represent the actual cost to the Law Firm.

6. The Law Firm has heretofore applied for interim compensation. The Law Firm was previously granted fees in the amount of \$52,644.25 and out-of-pocket expenses in the amount of \$4,442.13 by Order dated July 12, 2019, for services rendered in connection with this case.

7. No agreement or understanding exists between the Law Firm and any other person for the sharing of compensation received or to be received for services rendered in connection with this case.

8. The Law Firm shows that it has expended a total of 199.0 hours in law firm time for the Application Period, in the total amount of \$57,681.50. The Law Firm shows that it has incurred a total of \$502.81 in out-of-pocket expenses and advances in the course of such representation and has thereby earned a total of \$58,184.31, pursuant to the above-referenced and heretofore disclosed compensation agreement. The Law Firm respectfully requests this Court to award the Law Firm said amount and authorize Debtor to pay the Law Firm \$58,184.31 which amount represents the requested fees and expenses.

9. The Law Firm seeks permission for the Chapter 11 Debtor to pay the amounts requested pursuant to this Application.

10. The Law Firm respectfully makes the following representations with regard to the 12-factor Johnson test:

(a) Time and Labor Required: The Law Firm has expended a total of 199.0 law firm hours through October 24, 2019, at the following rates:

<u>Attorney(s)</u>	<u>Hourly Rate</u>
Leon S. Jones	\$350.00-\$375.00
Leslie Pineyro	\$325.00
Tom McClendon	\$275.00
Tyler Henderson	\$295.00
J. Kelley Killorin	\$225.00
Lauren Brown (Paralegal)	\$125.00
Amanda Hirsch (Paralegal)	\$125.00
Ellen Wooden (Paralegal)	\$125.00
Carson Parker (Legal Assistant)	\$85.00

(b) Novelty and Difficulty of Questions Presented: The Chapter 11 reorganization case involves the effort to reorganize a business debtor. The Law Firm shows that the novelty and difficulty of questions presented are those normally associated with a Chapter 11 bankruptcy case.

(c) Skill Requisite to Perform Legal Services Properly: The Law Firm respectfully represents that it has the skill requisite to perform legal services heretofore rendered in a proper fashion.

(d) The Preclusion of Other Employment Due to Acceptance of the Case: The Law Firm respectfully requests that the time expended by the Law Firm in connection with this case could have been devoted to matters being handled for other clients, but for the time demands placed upon the Law Firm by the Law Firm's involvement in this case.

(e) Customary Fee for the Type of Services Rendered: The Law Firm shows that all fees requested by the Law Firm were generated by applying the Law Firm's normal hourly billing rate to the number of hours actually expended. Such itemization is detailed on Exhibit A. The Law Firm respectfully represents that the customary compensation for the attorney services in connection with a bankruptcy case is upon an hourly billing basis.

(f) Whether Fee is Fixed or Contingent: The Law Firm's charges are subject to being awarded by this Court under 11 U.S.C. § 330. The Fee is thus not truly fixed or contingent but has some characteristics of both.

(g) Time Limitations Imposed by Client or Other Circumstances: The Law Firm shows that many of the services rendered have been performed under exacting time limitations imposed by the nature of the case.

(h) Amount Involved and Results Obtained: The Law Firm has handled a large number of routine and complex Chapter 11 issues on behalf of the Debtor. The Law Firm has handled matters regarding the Debtor's unsecured and secured creditors. The Law Firm has represented the Debtor throughout this bankruptcy case.

(i) Experience, Reputation, and Ability of Attorneys: The Law Firm respectfully represents that it has had a significant amount of experience within the areas involved in this representation.

(j) Undesirability of the Case: The Law Firm respectfully represents that this factor is not normally applicable to a Chapter 11 case.

(k) Nature and Length of Professional Relationship with the Client: The Law Firm shows that it has represented the Debtor in this case since February 2019.

(l) Awards in Similar Cases: The Law Firm respectfully represents that its Application is in keeping with similar applications for Chapter 11 compensation filed by attorneys representing business Debtors in bankruptcy cases within this district.

WHEREFORE, the Law Firm prays that it be allowed Chapter 11 compensation as follows:

- (1) \$57,681.50 representing fees;
- (2) \$502.81 representing actual out-of-pocket expenses incurred on behalf of the Debtor; and
- (3) That the Debtor be authorized to pay the Law Firm the \$58,184.31 requested award.

This 28<sup>th</sup> day of October, 2019.

**JONES & WALDEN, LLC**

/s/ Leon S. Jones

Leon S. Jones  
Georgia Bar No. 003980  
Attorneys for Debtor  
21 Eighth Street, NE  
Atlanta, Georgia 30309  
(404) 564-9300  
[ljones@joneswalden.com](mailto:ljones@joneswalden.com)

**EXHIBIT "A"**

Aspen Village Assisted Living  
 Attn: Anderson Glover  
 135 Hillside Trace  
 Dallas GA 30157

Page: 1  
 October 25, 2019  
 Account No: 2556-01M  
 Statement No: 53676

Re: Chapter 11 (LP)

				<u>Fees</u>	
				Rate	Hours
06/03/2019	LMP	Email to FM (.1)		325.00	0.10
06/04/2019	LMP	Email with Evan's counsel and review drafts (.1)		325.00	0.10
06/05/2019	LMP	Telephone Conference with Telephone Conference with M Duedall (.1) emails with client re ds prep and stay relief questions (.2) tc with Anthony and Mark (.2)		325.00	0.50
06/06/2019	LMP	Prepare for D.S. hearing, prepare claims analysis and emails with client and AW (1.2)		325.00	1.20
06/07/2019	LMP	Email from FM re MTD and Disclosure Statement hearing (.1) tc with client and prepare docs (.6) Prepare MOR and tc with client re same (.5) prepare fee app (.1)		325.00	1.30
	LMP	Telephone Conference with JP re D.S. hearing prep and review docs (.4)		325.00	0.40
	LSJ	Email exchange and Conference with LP re continuance of Motion to Dismiss and disclosure statement hearing		350.00	0.10
	LSJ	Prepare fee application		350.00	1.00
06/10/2019	EW	Review and revise April operating report		125.00	1.00
	LB	Assisted Living: Prepare, file & serve Interim Fee App		125.00	1.20
	LMP	Review return service and update addresses (.1)		325.00	0.10
	LSJ	Prepare fee app		350.00	0.40
06/11/2019	EW	Email to JP re April MOR and redact April bank statements; telephone call with JP re same (0.1)		125.00	0.30
	LMP	t/c to Anthony Williams (.1)		325.00	0.10
06/12/2019	LMP	email re IRS POC (.1) Telephone Conference with AW (.1) additional emails with Joyce re IRS (.1) strategy and options prep (.3)		325.00	0.60
06/14/2019	LMP	Emails with client re quarterly fees and to UST (.1)		325.00	0.10
06/15/2019	LSJ	Review filed Fee App, calendar hearing and deadline		375.00	0.10

Re: Chapter 11 (LP)

			Rate	Hours	
06/17/2019	LSJ	Conference with LP re strategy & pending hearing (cash collateral)	350.00	0.10	35.00
	LMP	email with UST (.1) Email from FM to deputy re MTD hearing (.1)	325.00	0.30	97.50
		email to client re update (.1)	125.00	1.00	125.00
	EW	Additional review and revision of April 19 MOR			
06/18/2019	LSJ	Conference with LP re cash collateral hearing prep & research re same	350.00	0.60	210.00
	LMP	Telephone Conference with deputy re cash collateral and review docket (.2) review entered hearing order and email to FM (.1) prepare for cash collateral and DS hearing (2.5) research re AP and CC (.7) prepare service of CC order (.3) tc with A Williams (.1) emails to A Williams (.1) prepare direct exam for cash collateral hearing (1.1) prepare MOR (.3)	325.00	5.40	1,755.00
	EW	Prepare draft NOH re Cash Collateral Motion (0.2); analysis and summary of MORs (0.4); detailed email to LP re April MOR (0.2)	125.00	0.80	100.00
06/19/2019	LSJ	Prepare for disclosure statement hearing, review objection by Lender, Conference with LP (.6); continued prep (.2)	350.00	0.80	280.00
	LMP	Emails with client re current census and income and tc with client (.3) review cash collateral budget and tc with Joyce re same (.3) emails with creditors re cash collateral hearing (.2) email with AW (.1) prepare JP direct exam for cash collateral (1.1) Prepare Joyce direct exam re c.c. (1.1) email to FM (.1)	325.00	3.20	1,040.00
06/20/2019	LSJ	Prepare & attend disclosure statement hearing and cash collateral hearing	350.00	1.90	665.00
	LMP	Prepare for cash collateral hearing (1.5) attend cash collateral and d.s. hearing (.9) prepare cash collateral order (.7) email with Anthony (.1)	325.00	3.20	1,040.00
	LSJ	Prepare & attend disclosure statement hearing	375.00	0.40	150.00
06/21/2019	LMP	Telephone Conference with IRS and emails with client (.2) prepare cash collateral order (.1)	325.00	0.30	97.50
	LSJ	Revise cash collateral order	350.00	0.20	70.00
06/24/2019	EW	Email to JP re May MOR	125.00	0.10	12.50
	LSJ	Review docket and pleading updates	350.00	0.10	35.00
06/25/2019	EW	Receipt and review of email from JP re May MOR and respond to same	125.00	0.20	25.00
06/26/2019	LMP	Conference with client and potential construction lender (1.5)	325.00	1.50	487.50
	LSJ	Review entered cash collateral order	350.00	0.10	35.00
06/27/2019	LMP	Email with Joyce re insurance and quarterly fee calculation (.1) Email to Joyce re DS supplemental information (.1) prepare ds supplement (.3)	325.00	0.50	162.50
	EW	Receipt and review of email from UST re expired insurance policies and email JP re same	125.00	0.10	12.50
06/28/2019	LMP	Emails with client re DS prep (.1) DS supplement prep re AL and multiple emails with client re same (1.5)	325.00	1.60	520.00
07/01/2019	LMP	Emails with litigation counsel re premise liability and stay relief motion (.1) prepare supp to DS (1.5)1 email to client (.1)	325.00	1.70	552.50

Re: Chapter 11 (LP)

			Rate	Hours	
	EW	Review and revise May MOR and email to JP re same	125.00	0.50	62.50
	LSJ	Prepare supplement to disclosure statement & email exchanges re same	375.00	0.30	112.50
	LB	Prepare fee order & upload same	125.00	0.30	37.50
07/02/2019	LSJ	Prepare fee order	375.00	0.20	75.00
	LB	Assemble supplement to Disclosure statement & exhibits; file same	125.00	0.60	75.00
	LMP	Emails with client and finalize supp to DS (.4) additional DS prep (.2)	325.00	0.60	195.00
	LMP	Prepare supplement to DS and file same (.4)	325.00	0.40	130.00
	JKK	Prepare supplement to disclosure statement (1.0);	225.00	1.00	225.00
07/08/2019	LMP	Emails with client re plan progress (.1) emails with AW (.1)	325.00	0.20	65.00
07/09/2019	EW	Continued preparation of May MOR and email to JP re same	125.00	0.80	100.00
07/12/2019	EW	Email to Joyce re May MOR	125.00	0.10	12.50
07/15/2019	EW	Receipt and review of additional May MOR info from JP and update report re same	125.00	0.40	50.00
07/16/2019	LMP	Emails with Joyce re MOR and review same (.2)	325.00	0.20	65.00
	EW	Receipt and review of additional May MOR info from JP; update and finalize same and email to JP/LP (0.5); conf with LP and revise May MOR; email same to JP (0.3)	125.00	0.80	100.00
07/18/2019	EW	Receipt and review of insurance policies from JP; email re same	125.00	0.20	25.00
07/22/2019	EW	Follow up email to insurance agent requesting current policies for May MOR (0.1); email to JP re finalizing May MOR (0.1); conf with LP re same and revise May MOR (0.2); finalize, file and serve (0.2)	125.00	0.60	75.00
07/23/2019	TTM	Review consent motion for relief from stay; two t/c Brian Sims re: hearing.	275.00	0.50	137.50
07/24/2019	LSJ	Review entered employment order; review entered fee order; email re hearing	375.00	0.10	37.50
	LMP	Telephone Conference with client and investment broker, review plan and emails re same (1.1) emails with FM (.1)	325.00	1.20	390.00
07/25/2019	LSJ	Review motion and order for stay relief as to insurance proceeds by claimant Evans	375.00	0.10	37.50
	LSJ	Email exchange with counsel and court re trial/scheduling	375.00	0.20	75.00
07/26/2019	LSJ	Email exchange with chambers re hearing notice; prep same	375.00	0.10	37.50
07/29/2019	LMP	Prepare D.S. Order (.2)	325.00	0.20	65.00
	EW	Prepare Order Approving DS	125.00	0.30	37.50
07/30/2019	LSJ	Prepare solicitation order	375.00	0.10	37.50
	LMP	Prepare order re DS and Plan (.1) emails with FM (.1)	325.00	0.20	65.00
	EW	Revise Order Approving DS (0.2); finalize and upload same (0.1)	125.00	0.30	37.50
07/31/2019	LSJ	Review order granting stay relief as to insurance proceeds (Evans)	375.00	0.10	37.50

Re: Chapter 11 (LP)

				Rate	Hours	
08/01/2019	LMP	Email with client re MOR (1.)		325.00	0.10	32.50
08/02/2019	LSJ	Review entered solicitation order, calendar events and deadlines		375.00	0.10	37.50
08/05/2019	AH	Prepare and serve ballot pack via certified and regular mail; prepare and file Certificate of Service re same		125.00	1.20	150.00
	EW	Prepare June 19 transactions ledger for MOR and email same to JP		125.00	0.60	75.00
	LMP	Email with FM (.1) prepare c of s for ballot pack (.2) email to client re status (.1) Email with creditor (.1) additional ballot pack prep (.1)		325.00	0.60	195.00
08/07/2019	LMP	Telephone Conference with client re MidCap and emails re same (.3)		325.00	0.30	97.50
08/13/2019	EW	Receipt and review of email from JP with additional info needed for June MOR; update and prepare same; email re employee numbers and July bank statements		125.00	0.80	100.00
	LMP	Receipt and review of docketed pleadings (.1) tc with Anderson and Joyce (.2) prepare change of address (.1)		325.00	0.40	130.00
08/14/2019	LMP	Emails with FM and client re witnesses (.2) review ballots (.1) review revised POC (.1)		325.00	0.40	130.00
	LSJ	Review balloting		375.00	0.10	37.50
08/15/2019	EW	Receipt and review of email from JP re employee totals and update June MOR re same (0.2)		125.00	0.20	25.00
	LMP	Email from Joyce and review potential investment terms (.3) email to FM re witness list (.1)		325.00	0.40	130.00
08/19/2019	EW	Review, revise and finalize June operating report; email same to JP for review and signature		125.00	0.50	62.50
	LMP	Telephone Conference with client, review potential LOI and conf with LSJ as well (.5) review MOR (.3)		325.00	0.80	260.00
	LSJ	Conference with LP & review of Letter of Intent, review deadlines & solicitation on confirmation		375.00	0.10	37.50
08/20/2019	EW	Prepare July monthly ledger and email same to JP for review		125.00	0.70	87.50
	LMP	Review docketed pleadings (.1) Email to F Wachter (.1)		325.00	0.20	65.00
08/21/2019	LMP	Telephone Conference with potential purchaser (.2) email to Todd W (.1) emails with client re same and items requested (.1)		325.00	0.40	130.00
	LSJ	Email exchange, conference with LP re trial prep (confirmation)		375.00	0.10	37.50
08/22/2019	LSJ	Prepare Plan Mod		375.00	0.30	112.50
	LB	Revise modification to plan; prepare CoS		125.00	0.50	62.50
	LMP	Prepare plan mod and review realy resources claims and loan documents (1.8) Receipt and review of ballot accepting plan (class 7) (.1) anaylyze ballot and outstanding claims and emails with client re same (.3)		325.00	2.20	715.00
08/26/2019	LMP	Telephone Conference with Joyce re LOI status (.2) emails with creditors (.1)		325.00	0.30	97.50
	EW	Follow up email to JP re Jun/July MORs		125.00	0.10	12.50
08/27/2019	LMP	Emails with F Wachter and prepare revisions to modification (.4)		325.00	0.40	130.00

Re: Chapter 11 (LP)

			Rate	Hours	
08/28/2019	AH	Prepare 2 ballots for Glover	125.00	0.20	25.00
	LMP	Conference with client, finalize mod to plan and review conf prep (.4) emails with F Wachter (.1)	325.00	0.50	162.50
08/29/2019	CP	Picked up ballot from Xeritech in Sandy Springs	85.00	1.10	93.50
	LMP	Review LOI and conf with TM re modification (.2) conf with TM re plan mod (.1) Telephone Conference with A Glover (.1) prepare plan modifications (.5) conf with LSJ (.1) tc with client and prepare plan mod (.8) review MOR status (.2) tc with AG (.1) Conference with TM re plan and conf prep (.2)	325.00	2.30	747.50
	EW	Review status of outstanding MORs and follow up with LP/JP re same	125.00	0.20	25.00
	LSJ	Prepare first plan mod	375.00	0.40	150.00
08/30/2019	TTM	Work on plan modifications; meet with Anderson; file plan modifications; ballot requests	275.00	0.70	192.50
	LSJ	Review plan mod (.1); telephone conference with creditor re balloting (.1)	375.00	0.20	75.00
08/31/2019	LSJ	Review balloting; review filed plan mod and MidCap plan objection	375.00	0.20	75.00
09/03/2019	LMP	Receipt and review of objection to plan by MidCap (.3) review ballots (.2) Receipt and review of Zambetti docs (.3) prepare conf strategy (.2)	325.00	1.00	325.00
	LSJ	Review balloting	375.00	0.10	37.50
	TTM	Review service to Robert Fouse; conf TV re: supplemental service; review Joyce Chapman claim; start objection to same (1.0); Review Mid-Cap objections; research re: response to same (1.8)	275.00	2.80	770.00
	EW	Telephone conference with and email to JP re outstanding operating reports	125.00	0.20	25.00
	EW	Receipt and review of Joyce Chapman ballot and prepare notice of filing; revise and file same	125.00	0.30	37.50
	AH	Prepare Ballot Report (.8); finalize and file ballot for Pro-Tec (.2)	125.00	1.00	125.00
09/04/2019	LMP	Conference with TM re confirmation hearing prep (.4) tc with client (.1) research and prep for conf hearing (.4) emails (.1)	325.00	1.00	325.00
	TTM	finish research on MidCap objection; conf LP re: response.	275.00	0.40	110.00
09/05/2019	LMP	Prep for status call (.1) email re MOR (.1) Email to Francesca M (.1) review June MOR (.1) Telephone Conference with Joyce and Anderson (.3) Emails with E Altman (.1) research re plan objections (.4)	325.00	1.20	390.00
	EW	Follow up emails to JP and LP re June MOR; telephone conference with Joyce re same; revise June AP info and finalize June MOR and file same; receipt and review of July check register and AP	125.00	0.90	112.50
	TTM	t/c Anderson & Joyce re plan	275.00	0.40	110.00
09/06/2019	LMP	Conference with TM re Fouse objection (.2) conf with LSJ re Fouse objection (.1) tc to Joyce (.1) tc with Fouse and Evan A and review notes (.6) tc with client (.4) additional emails with Evan A and client (.2) tc with client (.1) conf with LSJ re plan conf (.3) tc with clients (.5) review options (.2)	325.00	2.70	877.50
	TTM	Research on credit bidding equity shares.	275.00	0.30	82.50
	CP	Picked up audio transcript from Bankruptcy Court Clerk's office.	85.00	0.70	59.50

Re: Chapter 11 (LP)

			Rate	Hours	
09/07/2019	LMP	T/c with Joyce and Anderson re investor and review options (.2)	325.00	0.20	65.00
09/09/2019	LSJ	Prepare 3rd plan modification (.4); conference with LP re trial prep (confirmation) (.1); prep ballot report (.1)	375.00	0.60	225.00
	EW	Update July ledger and email to JP re same	125.00	1.10	137.50
	LMP	Telephone Conference with Anderson (.1) review July MOR status (.1) Prepare revisions to Mod. and review operating agreement and emails to client (.6) emails with Joyce and Anderson re conf prep and review docs (.2) Emails with Evan A, review objection and email to client (.2) conf with LSJ re trial prep (.2)	325.00	1.40	455.00
	TTM	research for response to plan confirmation objections	275.00	0.80	220.00
09/10/2019	LSJ	Review Fouse Plan Objection, conference with LP re same & strategy (.3); research rights of equity under plan & conference with LP & TM re strategy on same (.7); prepare letter to MidCap counsel re hearing testimony (Rule 38) (.1)	375.00	1.10	412.50
	LSJ	Email exchange with Altman re Fouse	375.00	0.10	37.50
	EW	Email to JP	125.00	0.10	12.50
	LMP	Review client emails (.1) Telephone Conference with clients re plan conf prep (.7) multiple emails with E Altman (.2) research re testimony from prior hearings and corr to FM re same and re witness list (.8) email to Anthony re hearing prep (.1) emails with client re plan conf prep (.1) additional prep of corr to FM (.1) conf with TM and LSJ and review research re Fouse objection and prepare legal strategy (1.5) email to Evan A (.1)	325.00	3.70	1,202.50
	TTM	research on Fouse objection; confs LJ and LP re: same	275.00	2.00	550.00
09/11/2019	LMP	Prepare exhibits (.4) prepare witness list and conf with client re same (.4) emails with court re status conference (.2)	325.00	1.00	325.00
	LSJ	Conference with LP, Telephone conference with MidCap counsel, conference with Courtroom Deputy re trial issues (.5); Conference with LP & email exchange re trial prep (.5); email chambers re pre-trial conference (.2); email exchange (Evan Altman) re equity (.2)	375.00	1.40	525.00
	LB	Calendar telephonic status conf.	125.00	0.10	12.50
09/12/2019	LMP	Emails with client re conf prep (.2) tc with Joyce (.1) conf with LSJ re hearing prep (.1) prepare exhibit notebooks (.1) Prepare hearing exhibits - including multiple conferences with client regarding plan analysis and LOI, and prepare witness lists (3.5)	325.00	4.00	1,300.00
	TTM	Email on confirmation.	275.00	0.20	55.00
	EW	Finalize July MOR; preparation of exhibits for Confirmation Hearing; revise and finalize Exhibit and Witness Lists; set up electronic service of hearing materials	125.00	4.60	575.00
	CP	Prep and delivery of notebooks to judge's chambers	85.00	1.00	85.00
	LSJ	Review LOI on construction funding (.3); conference with LP re hearing (.1); prepare trial exhibits (.9); conference with LP re status conf (.1)	375.00	1.40	525.00
09/13/2019	LB	Finalize 3rd Plan Mod & file same; prepare & file supp CoS; serve modification; schedule court reporter re: expert witness depo	125.00	0.90	112.50
	CP	Prep and delivery of notebooks to trustee's office.	85.00	0.70	59.50
	LMP	Email to client re IRS, review POC and review docketed pleadings (.1) conf with LJS re trial prep (.3) trial prep and conf with client			

Re: Chapter 11 (LP)

			Rate	Hours	
	LSJ	(4.5) attend status conf (.3) attend status conf (.4) Review filed plan mod (.1); review multiple email exchanges with counsel re Greg Hayes deposition (.1); prepare receipt and review of Hays Report (.1)	325.00	5.60	1,820.00
	LSJ	Review filed witness list and exhibit list (.1); conference call with court (.4); conference call with court & conference with LP re pre-trial prep (.4); conference with LP re prep (.1)	375.00	0.30	112.50
09/15/2019	LSJ	Review email exchanges (counsel) re depo and exhibits	375.00	0.10	37.50
09/16/2019	LB	Receipt of MidCap exhibits via link; download & update file with same	125.00	0.40	50.00
	JKK	Prepare objection to Joyce Chapman's POC (0.9)	225.00	0.90	202.50
	LMP	Prepare for and attend deposition of G Hays (4.2) conf with client following same (.3) prepare for conf hearing and interview witnesses and prepare G Hays Cross (4.5)	325.00	9.00	2,925.00
	TTM	Conference with LP; research on secured claim; review loan documents.	275.00	2.10	577.50
	LSJ	Conference with LP, review Greg Hays report (.3); prep & attend Greg Hays deposition (3.0); conference with and prep exam of Thomas Tropea (2.3); prepare cross exam of Hays (2.7)	375.00	8.30	3,112.50
09/17/2019	LB	Review Alabama BK dockets re: The Money Tree & review MDGA Dockets re: Stewart Finance BK	125.00	0.30	37.50
	EW	Revise May, June, and July operating reports and email same to AG for review and signature; finalize and file same (2.5); revise ballot report and summary of voting and prepare tabulation of ballots; revise, finalize, and file same (0.6); telephone call with JW at IRS re transmission of correspondence re POC and revise and transmit same (0.2); prepare MOR notebooks for hearing prep (0.5)	125.00	3.80	475.00
	JKK	Review bankruptcy audio for testimony from William Childs and type transcript re: opinion of value; travel to bankruptcy court to get audio	225.00	4.00	900.00
	LMP	Prepare analysis of expert report and federal rule requirements (.2); prepare ballot report (.2); review trial extracts of W. Child's testimony (.3)	325.00	0.70	227.50
	LSJ	Conference with LP re Hays report & cross review Hays CV (.3); interview witness and prep exam (.3); review transcripts (.3)	375.00	0.90	337.50
	LMP	Prepare for conf hearing (6.5)	325.00	6.50	2,112.50
09/18/2019	TWH	Legal research on ability of expert to present hearsay evidence in opinion testimony (1.2)	295.00	1.20	354.00
	LB	Prepare spreadsheets re: tax assessor property values & pro forma tax budget; email to Joyce re: same	125.00	0.70	87.50
	JKK	Review bankruptcy court audio for testimony from Anthony Williams and type transcript re: estimates (2.0); prepare depo abstract of Gregory Hays (3.8)	225.00	5.80	1,305.00
	LMP	Prepare for Conf Hearing (8.5)	325.00	8.50	2,762.50
	TTM	Legal research for confirmation hearing	275.00	4.20	1,155.00
	LSJ	Review Midcap plan objection and legal responses to same (.1); review Midcap objections and analysis of responses (1.2); conference call Joyce Pearson re direct exam, prepare demonstrative aids and exhibits, conference with LP, prep trial brief, trial prep (9.4)	375.00	10.70	4,012.50

Re: Chapter 11 (LP)

			Rate	Hours	
09/19/2019	LMP	Prepare for conf hearing (.8) attend conf hearing (8.5)	325.00	9.30	3,022.50
	LSJ	Attend confirmation hearing	375.00	9.50	3,562.50
09/23/2019	LMP	Email with Evan Altman and email to clients re management reports (.1)	325.00	0.10	32.50
	LSJ	Review docket & pleadings & email exchanges	375.00	0.20	75.00
	LMP	emails with evan A	325.00	0.10	32.50
	LMP	additional emails and conf re EV and Rob F	325.00	0.20	65.00
09/25/2019	LMP	Receipt and review of lender's brief re interest on interest (.2)	325.00	0.20	65.00
09/26/2019	LMP	Telephone Conference with Anderson (.1)	325.00	0.10	32.50
09/30/2019	LMP	Email from UST and to client re MORs and review status (.2) tc with client and email with client (.2)	325.00	0.40	130.00
	LSJ	Review Midcap post-trial brief	375.00	0.20	75.00
10/01/2019	LSJ	Review amended IRS claim and email re same	375.00	0.10	37.50
10/02/2019	LMP	Review filed POC (.1) review MOR status (.1)	325.00	0.20	65.00
10/03/2019	LMP	Prepare MOR (.2)	325.00	0.20	65.00
	EW	Prepare August MOR monthly ledger and email same to JP (0.6); r/r of revised ledger from JP and draft August MOR (1.0); revise same and email to JP (0.2)	125.00	1.80	225.00
10/04/2019	LMP	Telephone Conference with Thomas re investors (.1). review docketed pleadings (.2)	325.00	0.30	97.50
10/15/2019	EW	Email JP re September MOR	125.00	0.10	12.50
10/17/2019	EW	Receipt and review of bank statements from JP and update file re same; follow up re check register and additional docs required	125.00	0.20	25.00
10/21/2019	EW	Email to JP re outstanding MOR materials	125.00	0.10	12.50
10/24/2019	EW	Review check register and update monthly ledger; email same to JP (0.4)	125.00	0.40	50.00
		For Current Services Rendered		199.00	57,681.50

## Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Leon S. Jones	44.50	\$372.02	\$16,555.00
Leslie Pineyro	92.10	325.00	29,932.50
Carson Parker	3.50	85.00	297.50
Tom McClendon	14.40	275.00	3,960.00
Ellen Wooden	24.20	125.00	3,025.00
Amanda Hirsch	2.40	125.00	300.00
Lauren Brown	5.00	125.00	625.00
J. Kelley Killorin	11.70	225.00	2,632.50
Tyler W. Henderson	1.20	295.00	354.00

Re: Chapter 11 (LP)

Expenses

06/01/2019	Online legal research	27.00
06/01/2019	Fee for Online Court Documents (PACER)	2.10
06/10/2019	Postage (35 @ .50)	17.50
06/10/2019	Postage	1.45
07/01/2019	Online legal research	46.85
07/01/2019	Fee for Online Court Documents (PACER)	11.80
08/01/2019	Fee for Online Court Documents (PACER)	6.50
08/05/2019	Postage (8 @ 9.10)	72.80
08/05/2019	Postage (55 @ 2.80)	154.00
08/23/2019	Postage	2.80
08/28/2019	Postage (2 @ .50)	1.00
08/29/2019	Mileage to/from Peachtree Dunwoody	12.76
08/30/2019	Postage (27 @ .65)	17.55
08/30/2019	Postage (24 @ .80)	19.20
08/30/2019	Postage	0.50
09/01/2019	Fee for Online Court Documents (PACER)	4.00
09/06/2019	Audio transcript - BK Court	31.00
09/13/2019	Postage (24 @ .50)	12.00
09/17/2019	Audio Transcripts - BK Court (2 @ 31.00)	62.00
	Total Expenses	502.81
	Total Current Work	58,184.31

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:

ASPEN VILLAGE AT LOST MOUNTAIN  
ASSISTED LIVING, LLC,

Debtor.

CHAPTER 11

CASE NO. 19-40262-BEM

CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *Notice of Hearing* ("Hearing Notice") and the foregoing *Second Interim Application for Chapter 11 Compensation of the Attorneys-at-Law Representing the Debtor* (Application") using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of and an accompanying link to the Hearing Notice and the Application to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing Program:

- **Evan M. Altman** evan.altman@laslawgroup.com, johanna@laslawgroup.com
- **Taylor L. Dove** tdove@huntermaclean.com, gfischer@huntermaclean.com
- **Lindsay P. S. Kolba** lindsay.p.kolba@usdoj.gov, lisa.maness@usdoj.gov
- **Francesca Macchiaverna** fmacchiaverna@huntermaclean.com, btees@huntermaclean.com
- **Martin P. Ochs** martin.p.ochs@usdoj.gov
- **H. Brian Sams** brian.sams@samscole.com
- **Fred B. Wachter** fbwachter@wachterlaw.com

I further certify that on this day I have served a copy of the Hearing Notice and the Application via First Class Mail upon the persons referenced below and a copy of the Hearing Notice *only* on the parties listed on the attached mailing matrix.

Aspen Village at Lost Mountain Assisted Living, LLC  
Attn: Anderson Glover  
2860 Overlook Court  
Atlanta, GA 30324

This 28<sup>th</sup> day of October, 2019.

**JONES & WALDEN, LLC**

/s/ Leon S. Jones

Leon S. Jones

Georgia Bar No. 003980

Attorneys for Debtor

21 Eighth Street, NE

Atlanta, Georgia 30309

(404) 564-9300

[ljones@joneswalden.com](mailto:ljones@joneswalden.com)

Label Matrix for local noticing  
113E-4

Case 19-40262-bem

Northern District of Georgia

Rome

Mon Oct 28 12:59:25 EDT 2019

AmeriPride Services, Inc.

10801 Wayzata Blvd

Hopkins, MN 55305-1531

Barry Bickers  
PO Box 692  
Hiram GA 30141-0692

Bickers Construction, Inc.  
P.O. Box 692  
Hiram, GA 30141-0692

CSU Industries, Inc.

30 River Court SW

Building G

Cartersville, GA 30120-8629

Central Atlanta Tractor Sales  
7330 Delta Circle  
Austell, GA 30168-7428

Chris Carr, Attorney Genr'l GA  
Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, GA 30334-9057

GCD & Associates, LLC  
P.O. Box 81811  
Atlanta, GA 30366-1811

Gabe Waterman  
5655 Lake Acworth Drive  
Suite 310  
Acworth, GA 30101-7329

Georgia Department of Labor  
Suite 900  
148 Andrew Young Internat'l Blv  
Atlanta, GA 30303-1733

(p) GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Georgia Dept. of Labor  
Suite 826  
148 Andrew Young Inter. Blvd., NE  
Atlanta GA 30303-1751

Georgia Dept. of Labor  
Suite 910  
148 Andrew Young Inter. Blvd., NE  
Atlanta GA 30303-1751

Greenfield Grading LLC  
Attn Stan Stephens, Registered Agent  
6605 Rockmart Rd  
Silver Creek GA 30173-3118

Harris Ventures, Inc.  
2650 Holcomb Bridge Road  
Suite 630  
Alpharetta, GA 30022-5343

Harrison Construction Management LLC  
Bryan Harrison  
Locke Lord LLP  
3333 Piedmont Rd NE, STE 1200  
Atlanta, GA 30305-1724

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c/o William J. Sheppard, Esq.  
James-Bates-Brannan-Groover-LLP  
3399 Peachtree Road, Suite 1700  
Atlanta, GA 30326-1151

Harrison Construction Mgt LLC  
1312 Partridge Way  
Marietta, GA 30062-6212

William Barr, US Attny General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0009

John McClaugherty  
1863 Tristan Dr. SE  
Smyrna GA 30080-6485

John McClaugherty  
500 Bishop Street, Suite F-5  
Atlanta, GA 30318-4378

Internal Revenue Service  
P. O. Box 7346  
Philadelphia, PA 19101-7346

Internal Revenue Service  
Central Insolvency Office  
401 West Peachtree St. NW  
Atlanta, GA 30308

LIA Funding LLC  
4651 Gateside Lane SE  
Marietta, GA 30067-4087

Laurio Contractor  
216 Will Creek Drive  
Canton, GA 30115-5111

Lynne Riley  
State of Georgia Revenue Commi  
1800 Century Blvd, N.E.  
Atlanta, GA 30345-3202

Marcus & Millichap Real Estate Investment Se  
1100 Abernathy Road, NE Ste 600  
Atlanta, GA 30328-5628

Mark Butler, Comm. of Labor  
Georgia Department of Labor  
148 Andrew Young Int't, #900  
Atlanta, GA 30303-1732

Michael Laurio  
2327 Cross Creek Drive  
Powder Springs, GA 30127-3775

NAMM Holding, LLC  
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Atlanta GA 30328-4806

Nichols Cauley and Associates LLC  
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Kennesaw GA 30144-4565

Nicolas Cauley & Associates LL  
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Norcross, GA 30092-2866

Oasis Construction Svcs Inc.  
c/o Michael Welch, Esq.  
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Atlanta, GA 30339-3062

PRO-TEC FIRE PROTECTION, L.L.C.  
BEVERLY J. HALL, ESQ.  
P.O. BOX 1276  
ROSWELL, GA 30077-1276

Office Of the Chief Co. IRS  
1111 Constitution Ave  
Washington, DC 20224-0001

On Site Paving, Inc.  
c/o Mark Chambliss Hall  
Registered Agent  
195 Rebecca Court  
Fayetteville GA 30215-2768

Pro-Tec Fire & Sprinkler, Inc.  
2330 Pro-Tec Way  
Suite B  
Loganville, GA 30052-3683

Robert L. Fouse  
PMB 211  
3600 Dallas Hwy, Suite 230  
Marietta GA 30064-1685

Ron Lipsitz, Trustee  
Realty Resources Profit Sharin  
102 Hammond Rd  
Atlanta, GA 30328-4806

Secretary of the Treasury  
15th & Pennsylvania Avenue, NW  
Washington, DC 20200

Sole Source Electrical Con Inc  
119 Golden South Drive  
Dallas, GA 30157-1243

Southern Electric Company Inc.  
510 Winkler Drive, Suite 100  
Alpharetta GA 30004-5798

Sunbelt Rentals Inc  
Attn: Jesica Janson  
2341 Deerfield Dr.  
Fort Mill, SC 29715-8298

Talbot Construction, Inc.  
Attn: John Zambetti, CEO  
7570 Wentworth Drive  
Duluth GA 30097-1611

Teresa and James Evans  
c/o Sams & Cole, LLC  
2809 Lassiter Road, Suite 100  
Marietta, GA 30062-8337

U. S. Securities and Exchange Commission  
Office of Reorganization  
Suite 900  
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Atlanta, GA 30326-1382

United States Attorney  
Northern District of Georgia  
75 Ted Turner Drive SW, Suite 600  
Atlanta GA 30303-3309

Xeritech, LLC  
P.O. Box 467562  
Atlanta, GA 31146-7562